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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,642

04/02/2004

Herbert Huttlin

03928-P0006A

1065

24126 7590 04/06/2007  
ST. ONGE STEWARD JOHNSTON & REENS, LLC  
986 BEDFORD STREET  
STAMFORD, CT 06905-5619

EXAMINER

LAMB, BRENDA A

ART UNIT

PAPER NUMBER

1734

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/816,642

Applicant(s)

HUTTLIN, HERBERT

Examiner

Brenda A. Lamb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-26 and 28-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-14, 16, 22-23, 26 & 28-34 is/are rejected.
- 7) ☒ Claim(s) 15, 17, 18, 20, 21, 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11-12 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiller 872,729.

Hiller teaches the design of an apparatus for treating particulate material, comprising: a container having a process chamber and a container central duct 9 separated from the process chamber, the container further having a longitudinal mid-axis; the process chamber being arranged around said longitudinal mid-axis of the container and being formed as an annular chamber, the process chamber further having a lower region and an upper region which is open; the container central duct forming a flow duct for process air, the container central duct flowing air from the upper end to lower end of the central air duct, container central duct opening immediately into the lower region of the process chamber, and communicating with the upper open region of said process chamber so as to conduct the process air in at least one first operating state, by the container central duct widening circumferentially and opening towards the upper region of the process chamber set forth in claim 11. Thus Hiller teaches every

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element of the claimed apparatus. With respect to claim 12, Hiller shows the fan is immediately adjacent to a location where the container central duct opens into the lower region of the process chamber. With respect to claim 22, Hiller teaches at least one first spray nozzle 16 for spraying a first moist medium is arranged in a lower opening area of the container central duct into the process chamber, its spraying direction being oriented substantially into the process chamber.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiller in view of Engels.

Hiller is applied for the reasons noted above. Hiller fails to teach the at least one first spray nozzle is arranged on the fan. However, it would have been obvious to modify the Hiller apparatus by arranging the spray nozzle on the mixing fan since Engels teaches arranging the spray nozzle on the mixing or stirring means.

for the taught advantage that the spray nozzles act as an additional mixing means for mixing the ingredients in the process chamber.

Claims 11-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Herfeld.

Herfeld teaches the design of an apparatus as shown in Figures 4-5 for treating particulate material, comprising: a container having a process chamber and a container central duct 9 separated from the process chamber, the container further having a longitudinal mid-axis; the process chamber being arranged around the longitudinal mid-axis of the container and being formed as an annular chamber, the process chamber further having a lower region and an upper region which is open; the container central

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duct forming a flow duct for process air, container central duct opening immediately into the lower region of the process chamber such that air flows from upper end to lower end of the duct, and communicating with the upper open region of the process chamber so as to conduct the process air in at least one first operating state, by the container central duct widening circumferentially and opening towards the upper region of the process chamber. Thus Herfeld teaches every element of the claimed apparatus set forth in claim 11. With respect to claim 12, Herfeld shows the fan 16 is immediately adjacent to a location where the container central duct opens into the lower region of the process chamber. With respect to claims 13-14, Herfeld shows in Figure 5 that the fan has blades which extend in the manner set forth in the claims. With respect to claim 16, Herfeld shows an air/material feed system which is capable of being connected or connectable to the container and feed air and material system which is connected to container with container central duct to form an assembly therewith.

Claims 11-12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hyde et al.

Hyde et al teaches the design of an apparatus as shown in Figures 4-5 for treating particulate material, comprising: a container having a process chamber and a container central duct 56 separated from the process chamber, the container further having a longitudinal mid-axis; the process chamber being arranged around said longitudinal mid-axis of the container and being formed as an annular chamber, the process chamber further having a lower region and an upper region which is open; the container central duct forming a flow duct for process air, container central duct opening

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immediately into the lower region of the process chamber such that air flows from upper end to lower end of the duct, and communicating with the upper open region of said process chamber so as to conduct the process air in at least one first operating state, by the container central duct widening circumferentially and opening towards the upper region of the process chamber. Thus Hyde et al teaches every element of the claimed apparatus set forth in claim 11. With respect to claim 12, Hyde et al shows the fan 138 is immediately adjacent to a location where the container central duct opens into the lower region of the process chamber. With respect to claim 16, Hyde et al shows an air/material feed system which is capable of being connected or connectable to the container and feed air and material system which is connected to container with container central duct to form an assembly therewith. With respect to claim 22, Hyde et al teaches at least one first spray nozzle 64 for spraying a first moist medium is arranged in a lower opening area of the container central duct into the process chamber

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 26, 28-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 and 33 are confusing since the preamble recites an apparatus for treating particulate material yet the body of the claim is silent as to how the particulate is treated in the apparatus or an inlet to receive the particulate matter within the container of the claimed apparatus.

Applicant's arguments filed 1/19/2007 have been fully considered but they are not persuasive.

Applicant's argument that Hyde et al, Herfeld and Hiller each fails to teach to teach the central duct is an air duct is found to be non-persuasive. The central duct of Hyde et al, Herfeld and Hiller is capable of carrying air into <sup>the apparatus or any</sup> other fluid provided thereto.

Applicant's argument that there is no motivation to modify Hiller to provide the Engels spray nozzles on the fan is found to be non-persuasive. The examiner maintains as discussed above, it would have been obvious to modify the Hiller apparatus by arranging the spray nozzle on the mixing fan since Engels teaches arranging the spray nozzle on the mixing or stirring means ~~for~~ for the taught advantage that the spray nozzles act as an additional mixing means for mixing the ingredients in the process chamber.

Claims 15, 17-~~21~~ and 24-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 26 and 28-32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 33-34 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

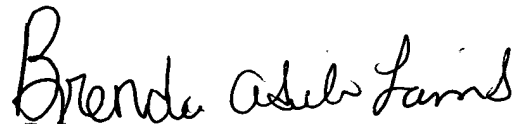
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-

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1231. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday. The examiner can also be reached on alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Brenda A Lamb  
Examiner  
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